

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Jean H. Smith,)	Civil Action No.: 4:14-cv-04140-RBH
)	
Plaintiff,)	
)	
v.)	ORDER
)	
South Carolina Department of Corrections,)	
Director Bryan P. Stirling, and Investigator)	
Robert Stuckey, in his individual and)	
official capacity,)	
)	
Defendants.)	
)	

Plaintiff Jean H. Smith filed this civil action pursuant to 42 U.S.C. § 1983 against the three above-named Defendants in the Court of Common Pleas for Marlboro County, South Carolina. *See* Complaint, ECF No. 1-1. The lawsuit arose from Plaintiff's arrest for a purported violation of a state ethics law related to her allegedly smuggling contraband (cigarettes and marijuana) to an inmate incarcerated at the South Carolina Department of Corrections, where Plaintiff worked as a correctional officer. *See id.*; ECF Nos. 23-5 & 23-7. Defendants removed the case to this Court, *see* ECF No. 1, and filed a motion for summary judgment. *See* ECF No. 23.

The matter is before the Court for review of the Report and Recommendation (R & R) of United States Magistrate Judge Kaymani D. West, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina. *See* R & R, ECF No. 41. The Magistrate Judge recommends the Court grant Defendants' motion for summary judgment and dismiss this case. R & R at 15.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court.

See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

No parties have filed objections to the R & R. In the absence of objections to the R & R, the Court is not required to give any explanation for adopting the Magistrate Judge's recommendations. *See Camby v. Davis*, 718 F.2d 198, 199-200 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation'" (quoting Fed. R. Civ. P. 72 advisory committee's note)).

After a thorough review of the record in this case, the Court finds no clear error. Accordingly, the Court adopts and incorporates by reference the R & R [ECF No. 41] of the Magistrate Judge. It is therefore **ORDERED** that Defendant's motion for summary judgment [ECF No. 23] is **GRANTED** and that Plaintiff's federal law claims are **DISMISSED** *with prejudice*. The Court declines to exercise supplemental jurisdiction over Plaintiff's remaining state law claims and **DISMISSES** the state law claims *without prejudice*.

IT IS SO ORDERED.

Florence, South Carolina
March 18, 2016

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge